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ABSTRACT

Dismissing incompetent tenured teachers is a difficult and time-consuming task. Contrary to popular opinion, however, that task is not impossible. Effective dismissal of incompetent teachers requires thorough, valid, and well-documented evaluation procedures, appropriate remediation efforts, and a fair hearing prior to dismissal. (TE)

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DISMISSING INCOMPETENT TEACHERS

Dismissing incompetent tenured teachers is a difficult and time-consuming task. Contrary to popular opinion, however, that task is not impossible. The key to efficient identification and dismissal of incompetent teachers lies in (1) a thorough, valid, and well-documented evaluation procedure; (2) appropriate remediation efforts; and (3) a fair hearing prior to dismissal.

How pervasive is the problem of teacher incompetence?

According to surveys of parents and administrators alike, incompetence in the teaching profession has become a major concern. On one occasion 45 percent of polled public school parents felt that there were teachers in the local schools who should be fired. In another survey, school administrators, when asked to estimate the proportion of unsatisfactory teachers, gave figures ranging from 5 to 15 percent. Yet dismissal of tenured teachers for incompetence is still relatively rare.

What is tenure?

Tenure is not a lifetime contract that guarantees teachers permanent employment. It does, however, guarantee due process for teachers facing dismissal cases. Originating around the turn of the century as a way of protecting teachers from arbitrary dismissals by school boards, tenure laws are intended to regulate, rather than prevent, the dismissal of incompetent teachers.

What constitutes incompetence?

Courts have not been inclined to specify standards for evaluating teacher competence. They have, however, defined four broad areas where unsatisfactory performance can be grounds for a teacher's dismissal: subject matter, teaching methods, effects on pupils, and personal attitudes. Most dismissal cases of tenured teachers involve multiple sources of failure and one or more of the other legal grounds for dismissal such as neglect of duty, unbecoming conduct, and other good and just causes. Dismissal rarely stems from a single egregious error; rather, termination is most often based on a persistent pattern of mistakes and failures.

How hard is it to dismiss an incompetent teacher?

Regardless of the character of the teacher's failure, the success of a school board that attempts to dismiss tenured teachers is by no means assured. The frequency with which dismissal decisions are upheld by an impartial third party depends partly on the type of adjudicator--commission on professional competence, court judge, or hearing officer. In 1982, a California Commission on Professional Competence upheld seven out of nine dismissal cases. Court judges are less supportive, upholding roughly two-thirds of the cases brought before them. Hearing officers render the least favorable decisions, sustaining school board actions in only 37 percent of their judgments.

The key to success in any attempt to have a teacher dismissed appears to be thorough documentation of the teacher's shortcomings. Principals should put everything in writing, keeping full, detailed records of a teacher's performance, supported by evidence of the specific times and dates of key incidents and amplified with direct, eyewitness reports from outside observers.

What steps should be followed in identifying and dismissing incompetent teachers?

The first essential step is to adopt and publish reasonable criteria for teacher evaluation. Not only do such criteria encourage teachers to excel, but they also provide a legal basis for dismissal. For a criterion to be of practical value in evaluating and dismissing tenured teachers, there must be valid ways of determining whether a teacher has satisfied it.

Once a teacher is identified as deficient in

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one or more criteria, fairness and due process demand efforts at remediation. After problems have been defined according to specific standards of acceptable performance, teachers and principals should work together to establish objectives for improvement and strategies for meeting these objectives. Teacher peformance is then carefully monitored and measured against objectives, with the use of observation, regularly scheduled evaluations, and continuing feedback to the teacher.

If remediation fails, what then?

Success in dismissing incompetent teachers then depends entirely on adequate preparation for hearings and scrupulous respect for due process. Teachers should be duly notified of a recommendation for termination. The necessary components of a fair hearing, as delineated by state statutes, include (1) a statement of charges and the materials on which they're based; (2) a timely written notice of the date, time, and place of the hearing; (3) an opportunity to be represented by counsel and to call witnesses on the teacher's behalf; (4) an opportunity to cross-examine witnesses; (5) a written decision containing specific findings; and (6) the right to appeal.

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